



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 907-00
18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 29 August 1995 at the age of 17. Your record reflects that you served for a year and two months without incident but on 18 October 1986 you received nonjudicial punishment (NJP) for wrongful disposition of government and two incidents of failure to obey a lawful order. The punishment imposed was correctional custody for 30 days, reduction to paygrade E-2, and a \$980 forfeiture of pay.

Your record further reflects that on 23 September 1997 you received NJP for consuming alcoholic beverages while being underage, wrongful possession of another persons' driver's license, and possession of a concealed weapon. The punishment imposed was forfeitures totalling \$1,010, restriction and extra duty for 45 days, and reduction to paygrade E-2. Approximately, three months later, on 3 December 1997, you received NJP for use of marijuana and were awarded reduction to paygrade E-1, extra duty and restriction for 45 days, and forfeitures totalling \$832.

On 11 December 1997 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At this time you waived your rights to consult with legal counsel, to present your case to an administrative discharge board (ADB), or submit a statement in rebuttal to the discharge. Subsequently, your commanding officer recommended you be issued an other than honorable discharge by misconduct due to drug abuse. The discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge. On 23 January 1998 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded. The Board also considered your contention that you did not have possession of drugs. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct, which included possession and use of drugs and alcohol. The Board noted that you waived an ADB. Further, your contention of innocence of drug possession is unsupported by any evidence in the record, and you have submitted no such evidence. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director